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OGC 7-1131

24 July 1957

OGC Has Reviewed

MEMORANDUM FOR: Director of Training

ATTENTION :

[Redacted]

SUBJECT :

Procedure in Death Cases

[Redacted]

1. Forwarded herewith is an extract of the more important provisions of the Code of Virginia relating to the handling of death cases where death results from other than natural causes attended by a physician. You will note that these provisions are abstracted from Title 7, "Boundaries, Jurisdiction and Emblems of the Commonwealth," Title 19, "Criminal Procedure" and Title 32, "Health." As you will note the duties of the medical examiner are set forth under Title 19, "Criminal Procedure."

2. As previously discussed it is recommended that further identification of the normal day to day handling of death cases

[Large Redacted Box]

4. There is returned herewith your photostatic copy of the "Deed of Concession."

[Redacted]
Assistant General Counsel

ATTACHMENTS

OGC:JCO'N:jem

Distribution: Orig & 1 - Addressee

Approved For Release 2002/06/25 : CIA-RDP62-00631R000300060011-2

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CODE OF VIRGINIA 1950

TITLE 7: BOUNDARIES, JURISDICTION AND EMERGENS OF THE COMMONWEALTH
"CHAPTER 3: JURISDICTION OVER LANDS ACQUIRED BY THE UNITED STATES

"§ 7-24. Ceding Additional Jurisdiction to the United States

"(6) Every such deed as is provided for in this section shall reserve in the Commonwealth over all lands therein referred to the jurisdiction and power to serve civil and criminal process on such lands and in the event that the lands or any part thereof shall be sold or leased to any private individual, or any association or corporation, under the terms of which sale or lease the vendee or lessee shall have the right to conduct thereon any private industry or business, then the jurisdiction ceded to the United States over any such lands so sold or leased shall cease and determine, and thereafter the Commonwealth shall have all jurisdiction and power she would have had if no jurisdiction or power had been ceded to the United States. This provision, however, shall not apply to post exchanges, officers' clubs and similar activities on lands acquired by the United States for purposes of national defense. It is further provided that the reservations provided for in this subsection shall remain effective even though they should be omitted from any deed executed pursuant to this section."

TITLE 19: CRIMINAL PROCEDURE

"CHAPTER 2: POST-MORTEM EXAMINATIONS

"§ 19-22. Medical Examiners To Be Notified Of Certain Deaths. - Upon the death of any person from violence, or suddenly when in apparent health, or when unattended by a physician, or in prison, or in any suspicious, unusual or unnatural manner, the medical examiner of the county or city in which such death occurs shall be notified by the physician in attendance, by any law enforcement officer having knowledge of such death, by the undertaker, or by any other person present. If the death occur in the penitentiary the notice shall be given to the medical examiner of the city of Richmond. (1946, p. 598; Michie Suppl. 1946, § 4818(9); R. P. 1948, § 19-22; 1952, c. 318.)

"§ 19-23. Duties of medical examiners upon receipt of notice; reports; fees. - Upon receipt of such notice the medical examiner shall take charge of the dead body, make inquiries regarding the cause and manner of death, reduce his findings to writing, and promptly make a full report thereof to the Chief Medical Examiner on forms prescribed for such purpose, retaining one copy of such report for his own and delivering another copy to the Commonwealth's attorney of his county or city. Full directions as to the nature, character and extent of the investigation to be made in such cases shall be furnished the medical examiner by the Chief Medical Examiner, together with appropriate forms for the required reports and instructions for their use. For each investigation under this chapter, including the making of the required reports, the medical examiner shall

receive a fee of ten dollars, this to be paid by the State, unless the deceased is a legal resident of the county, city or town where his death occurred. (1946, p. 599; Michie Suppl. 1946, § 4818 (10); R. P. 1948, § 19-23; 1950, p. 659; 1952, cc. 318, 705.)

"§ 19-24. When autopsies made; reports made and preserved. - If in the opinion of the medical examiner or of the Chief Medical Examiner it is advisable and in the public interest that an autopsy be made, or if an autopsy is requested by the Commonwealth's attorney or by the judge of the circuit or corporation court of the county or city wherein such body is, such autopsy shall be made by the Chief Medical Examiner, or by such competent pathologist or toxicologist as may be designated by the Chief Medical Examiner for the purpose. A full record and report of the facts developed by the autopsy and findings of the person making such autopsy shall be promptly made and filed with the medical examiner and in the office of the Chief Medical Examiner, and, if in the opinion of the Chief Medical Examiner or the medical examiner it is proper, or if requested by the Commonwealth's attorney of the county or city where death occurred or of the county or city where any injury contributing to or causing death was sustained, a copy of the report of the autopsy shall be furnished such Commonwealth's attorney.

"If, in any case of sudden, violent or suspicious death, the body is buried without any inquiry by a medical examiner as to the cause and manner of death, or without any autopsy being held or performed, it shall be the duty of the medical examiner, upon being advised of such fact, to notify the Commonwealth's attorney thereof, who shall communicate the same to the judge of the circuit or corporation court, as the case may be, and such judge may, by an order entered in the common-law order book of his court, require that the body be exhumed and an autopsy performed thereon by the Chief Medical Examiner or by a pathologist or toxicologist designated by him for the purpose, and the pertinent facts disclosed by the autopsy shall be communicated to the judge who ordered it, for such action thereon as he, or the court of which he is judge, deems proper. (1946, p. 599; Michie Suppl. 1946, § 4818 (11); R. P. 1948, § 19-24; 1952, c. 318.)"

TITLE 32: HEALTH

"CHAPTER 18: BIRTHS AND DEATHS; VITAL STATISTICS

"§ 32-341. Burial or removal permits for dead bodies. - The body of any person ~~whose death occurs~~ in the State shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into any registration district or be held pending further disposition more than seventy-two hours after death, until a permit for burial, removal or other disposition thereof shall have been properly issued by the local registrar, or his deputy, of the registra-

tion district in which the death occurred. No such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him as hereinafter provided; except, as set forth in § 32-346, that when a dead body is brought into the State for burial or other disposition, the burial-transit permit which accompanies such body shall be filed with the local registrar of the district where burial or other disposition of the body takes place by the sexton or person in charge of the disposition of the body. The local registrar shall forward all such permits to the State Registrar. No fee shall be required for the issue of burial or removal permits in this State. In incorporated cities, certificates of death shall be obtained and burial or removal permits issued according to the ordinances of such city. (Code 1919, § 1565; 1948, p. 313.)

"§ 32-343. Certificate of death to contain certain items. - The certificate of death shall be approximately of the United States standard form as approved by the national agency in charge of vital statistics and shall contain the following items:

- (1) Place of death, including State, county, registerial district, city or town, street and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name of the camp to be given.
- (2) Full name of decedent. If an unnamed child, the surname preceded by "unnamed".
- (3) Sex.
- (4) Color or race, as white, black (Negro or Negro descent), Indian, Chinese, Japanese, or other.
- (5) Conjugal condition, as single, married, widowed or divorced.
- (6) Date of birth, including the year, month, and day.
- (7) Age, in years, months and days. If less than one day, the hours and minutes.
- (8) Occupation to be reported of any person who had any remunerative employment, women as well as men, stating (a) trade, profession or particular kind of work, (b) general nature of industry, business or establishment in which employed (or employer).
- (9) Birthplace; state or foreign country.
- (10) Name of father.
- (11) Birthplace of father; state or foreign country.
- (12) Maiden name of mother.
- (13) Birthplace of mother; state or foreign country.
- (14) Name and address of informant.
- (15) Official signature of registrar, with the date when certificate was filed, and registered number.
- (16) Date of death, year, month and day.
- (17) Statement of medical attendance on decedent, fact and time of death, time last seen alive, and the cause of death, with contributory cause (secondary) or complication, if any, and duration of each, and if attributed to dangerous or unsanitary conditions of employment; signature and address of physician or official making the medical certificate.

- (18) Length of residence (for hospitals, institutions, transients or recent residents) at place of death or in the State.
- (19) Place of burial or removal; date of burial.
- (20) Signature and address of undertaker.

"The personal and statistical particulars (items 1 to 13) shall give the name and address of the informant, who may be any competent person acquainted with the facts.

"The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such. (Code 1919, § 1567; 1948, p. 819.)

"§ 32-344. Requisites for medical certificate when physician in attendance. - The medical certificate shall be made and signed by the physician last in attendance on the deceased, or by the coroner as provided in § 32-345, who shall specify the time in attendance, the time he last saw the deceased alive and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of the disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause), and the contributory (secondary) cause, if any, and the duration of each. Indefinite and unsatisfactory terms, indicating only symptoms of disease or conditions resulting from disease, will not be held sufficient for issuing a burial or removal permit; and any certificate containing such terms as defined by the State Registrar shall be returned to the physician for correction and more definite statement. Causes of death, which may be the result of either disease or violence, shall be carefully defined; and, if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal or homicidal. And in deaths in hospitals, institutions, or of nonresidents, the physician shall furnish the information required under item (18) of § 32-343, and may state where, in his opinion, the disease was contracted. (Code 1919, § 1567; 1948, p. 820.)

"§ 32-345. Provisions in case of death or stillbirth without medical attendance, etc. - In case of death or stillbirth occurring without medical attendance, it shall be the duty of the undertaker or other person acting as such to notify the local coroner of such death or stillbirth, and refer the case to him for immediate investigation and certification, provided, however, that any death or stillbirth caused by unlawful or suspicious means, or by violence, or suddenly when in apparent health, or while in prison, or in any suspicious, unusual or unnatural manner, shall also be referred to the coroner for his investigation and certification. Any coroner whose duty it is to investigate the cause and manner of death of any person, and to make the certificate of death required for burial permits, shall state in his certificate the name of the disease causing death, or if from external causes (1) the means of death; (2) whether (probably) accidental, suicidal, or homicidal; and shall in either case, furnish such information as may be required by the State Registrar in order properly to classify the death or stillbirth. (Code 1919, § 1568; 1924, p. 499; 1946, p. 598; Michie Suppl. 1946, § 4818 (9); 1946, p. 321.)

"§ 32-346. Procedure for obtaining and filing death certificates; issuance of burial-transit permits, etc. - The undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the local registrar of the district in which the death occurs, and for securing a burial-transit permit, prior to any disposition of the body, except as otherwise provided in this chapter. He shall obtain the personal and statistical particulars required from the person best qualified to supply them, with the signature and address of the informant. He shall then present the certificate to the attendant physician, if any, or to the coroner, as otherwise directed in this chapter, for the medical certification of the cause of death and other particulars necessary to complete the record as specified in the preceding sections. He shall then state the facts required relative to the date and place of burial, over his signature and with his address, and present the completed certificate to the local registrar in order to obtain a permit for burial, removal, transportation, or other disposition of the body. The undertaker shall deliver the burial-transit permit to the sexton, or other person in charge of the place of burial, before interring or otherwise disposing of the body. When shipped by a transportation company, the permit shall accompany the corpse to its desired destination and shall be delivered to the sexton or other person in charge of the place of burial.

"The burial-transit permit forms shall be prepared by the State Department of Health, and shall be interchangeable with similar transit-burial permits in use by any other state or the District of Columbia, and shall be acceptable by any sexton of a cemetery as authorization for burial, except that in cities with full-time health departments it shall be subject to the ordinance of such city.

"The State Department of Health shall also prepare disinterment-transportation-reinterment permit forms which shall be used for a transportation permit and be acceptable by the sexton of a cemetery in the same manner as a burial-transit permit. After interment of the remains, the disinterment-transportation-reinterment permit shall be properly endorsed and forwarded to the Virginia Bureau of Vital Statistics, Richmond, Virginia, to be filed in connection with the corresponding death certificate.

"Any dealer, carpenter, or other person who shall sell a coffin for a burial of a dead person, shall deliver to the purchaser a certificate of death filled out as completely as possible, and instruct the purchaser to supply any omitted information, either statistical or medical, and to deliver the certificate to the local registrar of the district in which the death occurred and obtain from the registrar a burial-transit permit before interment, removal, or other disposition of the body is made.

"If for good reason the doctor's or coroner's certificate of death, or that of the person acting as coroner, cannot be obtained, the purchaser or person acting as undertaker shall file with the local registrar a provisional certificate of death, upon which the registrar shall issue

a burial-transit permit on condition that a completed certificate of death will be filed within ten days with the registrar of the district in which the death occurred.

"Funeral services for individuals who have died of a communicable disease shall be conducted under the supervision of the health officer having local jurisdiction. In quarantinable diseases requiring restriction of contacts, a public funeral service may be permitted only in those instances wherein the casket remains closed and members of the family and the contact are segregated from the public.

"Each dealer, carpenter, or other person selling coffins shall furnish the State Registrar at the end of each month a list showing all sales of coffins made during the month in cases in which death certificates have not been filed with the local registrar. This list must include the names and addresses of the purchasers, and the names, color, age and sex of the deceased persons and the dates of deaths. (Code 1919, § 1569; 1922, p. 767; 1940, p. 27; 1948, p. 821.)"